

**REGULAR MEETING OF THE COMMON COUNCIL
OF THE CITY OF PLATTSBURGH, NEW YORK**

September 3, 2015

5:30 P.M.

AGENDA

Present: Mayor James Calnon, Councilors Rachelle Armstrong (W1), Mike Kelly (W2), Dale Dowdle (W3), Paul O'Connell (W4), Becky Kasper (W5), Joshua Kretser (W6)

Absent:

1. MINUTES OF THE PREVIOUS MEETING:

RESOLVED: That the Minutes of the regular meeting of the Common Council held on August 20, 2015 are approved and placed on file among the public records of the City Clerk's Office.

By Councilor _____; Seconded by Councilor _____

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

2. PAYROLLS OF VARIOUS DEPARTMENTS:

RESOLVED: That the payrolls of the various Departments of the City of Plattsburgh for the weeks ending August 26, 2015 in the amount of **\$ 207,085.94** and September 2, 2015 in the amount of **\$ _____** are authorized and allowed and the Mayor and the City Clerk are hereby empowered and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor _____; Seconded by Councilor _____

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

3. REPORTS OF CITY OFFICES & COMMITTEE REPORTS:

- Report of Fire and Ambulance Responses for the weeks of August 20 – September 2, 2015
- Report from the Building Inspector's office September 2, 2015
- Report from City Engineer to Establish Traffic Zone Designation No. 956 "Establish traffic control zones on Monty Street and Bouyea Street."

RESOLVED: That the reports as listed are hereby ordered received and placed on file among the public records of the City Clerk's Office.

By Councilor _____; Seconded by Councilor _____

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

4. CORRESPONDENCE OR RECOMMENDATIONS FROM BOARDS: None

5. AUDIT OF CLAIMS:

RESOLVED: That the bills Audited by the Common Council for the weeks ending August 28, 2015 in the amount of \$ 1,405,268.30 and September 4, 2015 in the amount of \$ _____ are authorized and allowed and the Mayor and City Clerk are hereby authorized and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor _____; Seconded by Councilor _____

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

6. PERSONS ADDRESSING COUNCIL:

7. OTHER ITEMS:

Motion to remove item 7A from the Table

By Councilor _____; Seconded by Councilor _____

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

ACTION TAKEN: Adopted _____ Defeated _____ Withdrawn _____ Tabled _____

A. RESOLVED: In accordance with the request therefore the Common Council approves "2015 or Newer 2,000 GPM Aerial Platform Fire Truck with a minimum 100 Foot Ladder and 600 HP engine" be awarded to Ferrara for the final price of \$978,572.

Discussion:

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

ACTION TAKEN: Adopted _____ Defeated _____ Withdrawn _____ Tabled _____

Follow up Action:

B. RESOLVED: In accordance with the request therefore the Common Council approves the City Chamberlain to establish capital project H5110.55, 2015 Aerial Fire Truck, for funding the purchase of a new truck with \$320,000 from the General Fund Reserve and with \$680,000 from General Fund borrowing.

By Councilor _____; Seconded by Councilor _____

Discussion:

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

ACTION TAKEN: Adopted _____ Defeated _____ Withdrawn _____ Tabled _____

Follow up Action:

C. RESOLVED: In accordance with the request therefore the Common Council approves the City Chamberlain to transfer \$320,000 cash from the General Fund Aerial Fire Truck Reserve to capital project H5110.55, 2015 Aerial Fire Truck, for the required down-payment to place the order for the new truck on Friday September 4th, 2015.

By Councilor _____; Seconded by Councilor _____

Discussion:

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

ACTION TAKEN: Adopted _____ Defeated _____ Withdrawn _____ Tabled _____

Follow up Action:

D. RESOLVED: In accordance with the request therefore the Common Council approves MLD to write-off unpaid final bills from May 1, 2014 to May 31, 2014 in the total amount of \$10,742.02. The percentage of write-offs for this period is .77%.

By Councilor _____; Seconded by Councilor _____

Discussion:

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

ACTION TAKEN: Adopted _____ Defeated _____ Withdrawn _____ Tabled _____

Follow up Action:

E. THE MAYOR HANDS DOWN THE APPOINTMENT OF POLICE OFFICER TO CORI JABAUT EFFECTIVE SEPTEMBER 4, 2015 PENDING THE SUCCESSFUL COMPLETION OF A 78 WEEK PROBATIONARY PERIOD.

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

ACTION TAKEN: Adopted _____ Defeated _____ Withdrawn _____ Tabled _____

Follow up Action:

F. RESOLVED: In accordance with the request therefore the Common Council adopts the City Logo.

By Councilor _____; Seconded by Councilor _____

Discussion:

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

ACTION TAKEN: Adopted _____ Defeated _____ Withdrawn _____ Tabled _____

Follow up Action:

G. RESOLVED: In accordance with the request therefore the Common Council approves Zebulon Pike's Picnic event in the auditorium of City Hall on September 11, 2015 from 5:30pm to 7pm. Alcohol will be served therefore NYS Liquor documentation is required.

By Councilor _____; Seconded by Councilor _____

Discussion:

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

ACTION TAKEN: Adopted _____ Defeated _____ Withdrawn _____ Tabled _____

Follow up Action:

H. RESOLVED: In accordance with the request therefore the Common Council approves the Kent-Delord House Museum to use the Auditorium in City Hall for their annual meeting on September 29, 2015 from 4pm to 8pm. The meeting is for members only and wine will be on premises therefore insurance and NYS Liquor documentation is required.

By Councilor _____; Seconded by Councilor _____

Discussion:

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

ACTION TAKEN: Adopted _____ Defeated _____ Withdrawn _____ Tabled _____

Follow up Action:

I. RESOLVED: In accordance with the request therefore the Common Council approves the City Chamberlain to establish capital project H5110.54, Macdonough Park Ret. Wall, for \$100,000 for repairs during 2015 and 2016 to be made to the wall separating the park and the Saranac River.

By Councilor _____; Seconded by Councilor _____

Discussion:

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

ACTION TAKEN: Adopted _____ Defeated _____ Withdrawn _____ Tabled _____

Follow up Action:

J. RESOLVED: In accordance with the request therefore the Common Council approves Matt Hall to hold a Free Live Music Event in Trinity Park Saturday Oct.10th from 12:00pm to 5:00pm. Electric power is being requested. A certificate of Insurance is required.

By Councilor _____; Seconded by Councilor _____

Discussion:

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

ACTION TAKEN: Adopted _____ Defeated _____ Withdrawn _____ Tabled _____

Follow up Action:

K. RESOLVED: In accordance with the request therefore the Common Council approves the City Chamberlain to approve 8 bond resolutions authorizing the issuance of \$3,261,600 in additional debt for 2014 and 2015 capital expenditures and the amendment of one bond resolution authorized issued in 2014 for a revised capital project for general street and sidewalk resurfacing and repairs. The 8 new resolutions will authorize borrowing of \$1,485,000 for street resurfacing, \$820,000 for the City Marina, \$350,000 for building repairs to City Hall and the DPW garage, \$316,600 in equipment purchases, \$150,000 for storm sewer separation, \$100,000 for Macdonough Park retaining wall reconstruction and \$40,000 of remediation work performed at the 40 Bridge Street City property. The 8 new bond resolutions and one amended bond resolution are included as documentations for the record of this meeting.

By Councilor _____; Seconded by Councilor _____

Discussion:

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

ACTION TAKEN: Adopted _____ Defeated _____ Withdrawn _____ Tabled _____

Follow up Action:

L. RESOLUTION AUTHORIZING SETTLEMENT OF PENDING ARTICLE 7 REAL PROPERTY ASSESSMENT CASES FILED BY PLATTSBURGH SUITES, LLC

WHEREAS, Plattsburgh Suites, LLC ("Petitioner"), filed Article 7 Real Property Assessment Review Petitions against the City in years 2010 through 2014 challenging the assessment on its property located at 59 Broad Street in the City of Plattsburgh, more specifically identified by its Tax Map Number: 221.7-1-1.1; and

WHEREAS, it appears to be in the best interests of the City to avoid the costs that would result if the litigation continues and goes to Trial; and

WHEREAS, terms of a proposed settlement have been negotiated with Petitioner and the Mayor recommends them; and

WHEREAS, the Plattsburgh City School District is not a party to these cases and it has no role in settling them;

NOW, THEREFORE, BE IT

RESOLVED, that the Plattsburgh Common Council hereby approves the proposed settlement of the real property assessment cases filed by Plattsburgh Suites, LLC for the years 2010 through 2014 as follows:

- 1) The assessment shall be \$5,300,000 starting with the 2015 assessment roll and shall remain at that amount through and including the 2017 assessment roll, after which the assessment shall increase 2.5% per year through and including the 2020 assessment roll;
- 2) \$500,000 shall be paid by Petitioner to the City within 30 days of the Court's approval of the settlement papers, the payment being toward outstanding real property taxes owed for the Property; and
- 3) \$340,000 shall be paid by Petitioner to the City in four equal installments of \$85,000 over four years, to be paid on or about the anniversary of the Stipulation of Settlement and Order being fully executed and entered. These payments shall be made toward the outstanding real property taxes, penalties, interest, and collection fees currently owed for the Property. Remaining penalties, interest and collection fees related to the owed taxes shall be waived. All future interest shall also be waived unless Petitioner is delinquent in making the payments required by the settlement.

BE IT FURTHER, RESOLVED, that approval of this Settlement Agreement is contingent upon the City's Special Counsel, Miller, Mannix, Schachner & Hafner, LLC, reviewing and approving the terms of the final Stipulation of Settlement and Order; and

BE IT FURTHER, RESOLVED, that the Common Council further authorizes and directs the City Mayor and/or its Special Counsel to execute settlement documents and take any additional steps necessary to effectuate the proposed settlement in accordance with the terms of this Resolution.

By Councilor _____; Seconded by Councilor _____

Discussion:

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

ACTION TAKEN: Adopted _____ Defeated _____ Withdrawn _____ Tabled _____

Follow up Action:

M. RESOLVED: In accordance with the request therefore the Common Council approves Contract #2015-15 "Survey for City Streets & Properties" be awarded to Machabee Land Survey for the quoted price of \$38,790.

By Councilor _____; Seconded by Councilor _____

Discussion:

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

ACTION TAKEN: Adopted _____ Defeated _____ Withdrawn _____ Tabled _____

Follow up Action:

N. RESOLVED: In accordance with the request therefore the Common Council hereby consents to the City of Plattsburgh Planning Board acting as Lead Agency for “The Commons at Plattsburgh Bay – 460 Margaret Street.”

By Councilor _____; Seconded by Councilor _____

Discussion:

Roll call: Councilors Armstrong, Kelly, Dowdle, O’Connell, Kasper, Kretser

ACTION TAKEN: Adopted _____ Defeated _____ Withdrawn _____ Tabled _____

Follow up Action:

8. TRAVEL REQUEST:

A. RESOLVED: In accordance with the request therefore the Common Council approves 2 Police Department Employees to attend the “2015 Annual International Association of Chiefs of Police Conference and Expo” in Chicago, IL from October 23 – 28, 2015. The total cost should not exceed \$6,216.40 and will be expensed out of the Asset Forfeiture fund.

By Councilor _____; Seconded by Councilor _____

Discussion:

Roll call: Councilors Armstrong, Kelly, Dowdle, O’Connell, Kasper, Kretser

ACTION TAKEN: Adopted _____ Defeated _____ Withdrawn _____ Tabled _____

Follow up Action:

9. RESOLUTIONS FOR INITIAL CONSIDERATION:

1. Request from Council Kretser for Simon Conroy and Danielle Giordano of Conroy Farms to hold ‘Downtown Rising’ events in Trinity Park on June 3,10,17 & 24; July 1, 8, 15, 22 & 29 and August 5, 12, 19 & 26 in 2016 from 4pm-7pm. It is requested that both Trinity Place and Court Street, between Margaret Street and City Hall Place be closed for these events. It is also requested that the power in Trinity Park be turned on during the events.

10. NEW BUSINESS:

11. CLOSING PUBLIC COMMENTS:

Motion to Adjourn by Councilor _____; Seconded by Councilor _____

Roll call Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

MEETING ADJOURNED: _____